

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**SEAN A. PRICE,
APPELLANT
vs.**

**STATE OF MISSOURI,
RESPONDENT**

DOCKET NUMBER WD79020

DATE: OCTOBER 4, 2016

Appeal from:

The Circuit Court of Boone County, Missouri
The Honorable Christine Carpenter, Judge

Appellate Judges:

Division Three: Victor C. Howard, Presiding Judge, Lisa White Hardwick, Judge and Edward R. Ardini, Jr., Judge

Attorneys:

Rosalynn Koch, for Appellant

Daniel N. McPherson, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

SEAN A. PRICE, APPELLANT

v.

STATE OF MISSOURI, RESPONDENT

WD79020

Boone County, Missouri

Before Division Three: Victor C. Howard, Presiding Judge, Lisa White Hardwick, Judge and Edward R. Ardini, Jr., Judge

Sean Price appeals the denial of his amended motion for post-conviction relief brought pursuant to Missouri Supreme Court Rule 29.15 after his convictions on two counts of statutory sodomy in the first degree, for which he was sentenced to concurrent terms of twenty-five years on each count, on the basis of ineffective assistance of counsel, following an evidentiary hearing. The Judgment is reversed and remanded.

REVERSED AND REMANDED.

Division Three holds:

- (1) Period for timely filing amended motion for post-conviction relief, after movant's initial *pro se* motion, ran from date counsel was appointed by the motion court.
- (2) Failure to timely file amended motion required the motion court to conduct an inquiry into whether movant had been abandoned by post-conviction counsel.

Opinion by: Edward R. Ardini, Jr., Judge

Date: October 4, 2016

<p>This summary is <i>UNOFFICIAL</i> and should not be quoted or cited.</p>
--